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APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,986	11/19/2003	Daniel Grier Osborne	P10-1439	7590
27215	7590	07/05/2007	EXAMINER	
MICHELIN NORTH AMERICA, INC. INTELLECTUAL PROPERTY DEPARTMENT MARC BLDG 31-2 515 MICHELIN ROAD GREENVILLE, SC 29605			STORMER, RUSSELL D	
		ART UNIT	PAPER NUMBER	
		3617		
		MAIL DATE	DELIVERY MODE	
		07/05/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/716,986	OSBORNE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Russell D. Stormer	3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 April 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 and 13-34 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 13-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

***Drawings***

1. The corrected drawing sheets 1 and 4 received on April 12, 2007 are acceptable.
2. The objection to the drawings set forth in paragraph 3 in the last office action is withdrawn in view of Applicants' explanation that the elements in question are well-known to those of ordinary skill in the art and do not constitute structure which is essential for a proper understanding of the invention.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-6 and 13-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohno et al.

As shown in figures 5 and 6, Kohno et al discloses a tire comprising a reinforcing ply 6 comprising cords arranged at an angle, a first crown reinforcement 7-1 and a second crown reinforcement 7-2 arranged at the center of the crown under a rib (figures 5 and 6) and at an edge of the tread (figure 6).

The angles of the reinforcing plies are specified to be between 15 degrees and 45 degrees.

The crown reinforcements may be made of PET or PEN polyesters.

With respect to claims 15-23, 29, and 31-34, the properties of the cords chosen are considered to be obvious as mechanical expedients because those of ordinary skill in the art could readily choose the properties of the cords based on the intended use of the tire and the desired characteristics.

#### ***Response to Arguments***

4. Applicant's arguments filed April 12, 2007 have been fully considered but they are not persuasive.

Kohno et al teaches that the layer or reinforcement 7, which is made up of layers 7-1 and 7-2, may be made from cords comprising PET fibers or PEN fibers, nylon and steel, among other materials. Applicants' note this teaching, but note that Kohno et al does not specifically state that the two layers 7-1 and 7-2 may be made from different materials from the group disclosed. This appears to be true because Kohno et al states that the layer 7 may be made form the materials, but never states that the separate layers 7-1 and 7-2 are made from different materials.

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Applicants then argue that claim 1 is allowable over Kohno et al due to this lack of specifics in the materials of the individual layers 7-1, 7-1, because claim 1 recites that the two crown reinforcements are made from different materials.

This is not found persuasive because a careful review of claim 1 reveals that the first crown reinforcement is a high elastic modulus organic fiber (line 7) but nowhere is the material for the second crown reinforcement set forth. Claim 1 does not limit the first and second crown reinforcements to being made from different materials. The physical properties of the two crown reinforcements are stated differently, but the materials are not claimed to be different.

Therefore, Kohno et al meets the limitations of claim 1 as the reference is applied in paragraph 3 above.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Roesgen et al shows a tire having a layer 50, 51 made from a first material, and layers 59, 70 made from materials selected from a group of materials different from the first material. Buenger et al appears to teach a tire in which the layers 13 and 14 may be comprised of different materials.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/22/07

  
RUSSELL D. STORMER  
PRIMARY EXAMINER  
